

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 26, 2003

DIVISION TWO

B162899 People (Not for Publication)
v.
Mendez

The matter is remanded for resentencing limited to the issue of the choice of the lower, middle or upper term for the concurrent sentence on count 2, possession of met amphetamine, and for the preparation of an amended abstract of judgment reflecting that the sentence imposed on count 2 is to be served concurrently. In all other respects, the judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

B158350 People (Not for Publication)
v.
Smith

The judgment is modified to replace the five-year great bodily injury enhancement, within the meaning of section 12022.8, in connection with count 5, with the three-year great bodily injury enhancement within the meaning of section 12022.7, and the conviction of forcible penetration in count 4 is reversed. On remand, the trial court is ordered to modify the abstract of judgment to reflect the above ordered changes. The judgment is affirmed in all other respects.

Doi Todd, J.

We concur: Nott, Acting P.J.
 Ashmann-Gerst, J.

DIVISION THREE (Continued)

B170263 Trim Doctors, et al. (Not for Publication)

v.

Superior Court, Los Angeles County
(Topete, r.p.i.)

We have followed the procedures and given the notices described in Palma v. U.S. Industrial Fasteners, Inc. (1984) 36 Cal.3d 171, 177-183. Let a peremptory writ of mandate issue directing respondent court to set aside its September 17, 2003 order denying petitioners' section 170.6 peremptory challenge, and issue a new and different order accepting the peremptory challenge presented in the Topete action. Petitioners are to recover the costs of this petition.

Boren, P.J.

We concur: Nott, J.

Doi Todd, J.

B170645 Global Marketing Enterprises, Inc.

v.

Borrego Holdings, LP, et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed October 2, 2003) dismissed.

DIVISION FOUR

B162614 Sheeler, et al. (Certified for Publication)

v.

Greystone Homes, Inc.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.

Epstein, J.

DIVISION FOUR (Continued)

B158393 Michael Roberti, a Minor, etc. (Certified for Publication)
v.
Andy's Termite & Pest Control, Inc.

The judgment in favor of defendant, including the award of costs, is reversed and the matter remanded to the trial court for further proceedings consistent with the views expressed in this opinion. Costs on appeal are awarded to plaintiff.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B159678 Crumb (Not for Publication)
v.
McClain-Hill, Cornwell, Chao & Schropp et al.

The judgment is reversed, except as to the second and seventh causes of action, as to which respondents are entitled to summary adjudication. Appellant is to have her costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B169404 Samuel L. and Lakeitha W. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petitions are denied.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

November 26, 2003 (Continued)

DIVISION FOUR (Continued)

B164876 People v. Countee (Not for Publication)

The judgment of conviction is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

[illegible]

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B162961 Rochelle Sterling (Certified for Publication)
v.
Lawrence Teylor, et al.

The judgment is reversed. Each party to bear their own costs.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B164476 David Keel, et al. (Not for Publication)
 v.
 BMG Entertainment, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B163472 People (Not for Publication)
 v.
 David Johnson

The judgment of conviction is affirmed. The finding that appellant served three prior separate prison terms is reversed and the matter is remanded for further proceedings with respect to the allegations under Penal Code section 667.6, subdivision (b).

Mosk, J.

I concur: Armstrong, J.
I dissent: Grignon, Acting P.J. (Opinion)

B165343 Frank Taylor
 v.
 Law Offices of Brookens and Associates

Filed order denying petition for rehearing.

DIVISION SIX

B143261 People
 v.
 Ambriz

Filed order denying petition for rehearing.

DIVISION EIGHT

B160278 Haggerty (Not for Publication)

v.

Bethel Christian School & Bethel Baptist Church of Lancaster, et al.

For the reasons set forth above, the order dismissing Haggerty's libel and intentional infliction of emotional distress claims pursuant to section 425.16 is affirmed. Respondent Aceves to recover his costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B166184 Los Angeles County, D.C.S. (Not for Publication)

v.

Rosa P. and Mario S.

The order terminating parental rights is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B162510 People (Not for Publication)

v.

Wiseman

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.